

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

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TOUCHCOM, INC. and TOUCHCOM )  
TECHNOLOGIES, INC., )  
Plaintiffs, )  
vs. ) No. 1:07-cv-00114-JCC-TCB  
BERESKIN & PARR and )  
H. SAMUEL FROST, )  
Defendants. )  
)

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**NOTICE OF PLAINTIFF'S DEPOSITION AND  
ARBITRATION TESTIMONY DESIGNATIONS**

Plaintiff Touchcom Technologies, Inc. ("Plaintiff") hereby submits the following index of deposition and arbitration testimony designations which may be offered in evidence at trial, exclusive of designations to be offered for rebuttal and/or impeachment purposes.<sup>1</sup> Plaintiff reserves the right to use any of the Defendants' designations at trial. Plaintiff reserves the right to decline to present the designated testimony.

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<sup>1</sup> Pursuant to the parties' agreement, Plaintiff expects to present witnesses Peter Myers and Kenneth Taylor through their arbitration testimony in *In the Matter of the Arbitration Between Dresser, Inc. v. Touchcom Inc. and Touchcom Technologies, Inc.*, International Centre for Dispute Resolution, Case No. 50T 133 00024 04, in addition to the deposition testimony set forth below.

### Designated Deposition Testimony

Witness	Deposition Date	Designations
Bond, John Steven	10/25/2005	6:3-4, 50:4-15, 74:6-75:10, 79:1-7, 86:25-87:8, 89:6-10, 90:11-16, 188:2-5, 270:11-15
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Martinez, Carlos	5/20/2010	6:4-6, 6:9-10, 7:8-8:20, 10:11-23, 10:24-11:8, 11:11-12:2, 12:12-14, 13:3-14:7, 14:20-16:16, 16:25-17:23, 21:17-22:13, 22:17-23:5, 23:16-24:17, 25:24-26:8, 27:6-28:1, 39:11-15, 42:24-43:5, 45:11-46:16, 46:17-47:8, 47:9-48:22, 48:23-49:25, 53:20-25, 54:1-13, 54:14-55:15, 55:16-56:20, 56:21-57:2, 57:3-58:3, 58:14-61:25, 62:1-18, 62:19-64:5, 64:19-65:23, 65:24-67:23, 70:19-72:17, 76:19-78:6, 81:15-82:4, 84:15-85:8, 86:10-88:1, 91:2-92:8, 92:20-21, 94:17-96:23, 99:10-101:10, 102:25-103:19, 107:24-109:16, 109:17-110:23, 111:19-113:1, 114:12-23, 114:24-115:6, 116:12-16, 118:11-119:4, 120:1-121:18, 122:16-123:5, 123:21-

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### Designated Arbitration Testimony

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Respectfully submitted this 18th day of August, 2011.

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**CERTIFICATE OF SERVICE**

I hereby certify that, on this date, August 18th, 2011, I will electronically file the foregoing PLAINTIFF'S DEPOSITION AND ARBITRATION TESTIMONY DESIGNATIONS with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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